

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

:

TRUSTEES OF THE OPERATING
ENGINEERS LOCAL NO. 77, et al.:

v. : Civil Action No. DKC 2003-2371

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ROBERT'S WELDING, INC.

:

MEMORANDUM OPINION

On June 25, 2004, judgment by default was entered against Robert's Welding, Inc., in favor of Plaintiffs, in the total amount of \$17,219.09. On Plaintiffs' request, on June 30, 2004, a writ of garnishment was issued as to First National Bank of St. Mary's. The bank answered the writ on July 30, 2004, indicating that it holds property of Robert's Welding, LLC in a checking account in the amount of \$17,219.09. On December 2, 2004, Plaintiffs filed a motion for judgment against the garnishee. On December 14, 2004, a notice of appearance was filed by John J. McBurney on behalf of Robert's Welding, requesting a stay of the garnishment pending his recovery from a stroke and release by his physician, which was expected on or about January 10, 2005. Plaintiffs filed an opposition on December 27, 2004. Although the court has not ruled on the request for a stay, no action has been taken on the motion for judgment against the garnishee. Robert's Welding has now had

more than sufficient time to obtain counsel and file any appropriate motion concerning the default judgment and the garnishment.

Accordingly, by separate order, the motion for a further stay of garnishment will be denied, and the motion for judgment against the garnishee will be granted. Plaintiffs will be permitted, pursuant to local rule, to file a supplemental petition for attorneys' fees.

/s/

DEBORAH K. CHASANOW
United States District Judge

June 16, 2005